

**CITY COUNCIL MEETING
CITY OF WATERTOWN
June 2, 2014
7:00 p.m.**

Mayor Jeffrey E. Graham Presiding

Present: Council Member Roxanne M. Burns
Council Member Joseph M. Butler, Jr.
Council Member Stephen A. Jennings
Council Member Teresa R. Macaluso
Mayor Graham

Also Present: Sharon Addison, City Manager
Robert J. Slye, City Attorney

City staff present: Jim Mills, Ken Mix, Kurt Hauk, Chief Herman, Deputy Chief Randall, Captain Clark, Amy Pastuf, Amie Davis, Gene Hayes, Brian Phelps, Erin Gardner, Michael Sligar, David Wurzburg, Beth Morris

The City Manager presented the following reports to Council:

- Resolution No. 1 - Appointment to the Roswell P. Flower Memorial Library Board of Trustees, Sarah Weir
- Resolution No. 2 - Approving the 2014 Youth Employment Training Program Contract Between the City of Watertown and the Jefferson-Lewis Workforce Investment Area
- Resolution No. 3 - Approving Memorandum of Understanding Establishing the Watertown-Jefferson County Area Transportation Council
- Resolution No. 4 - Approving a Site Plan for the Construction of a Parking Lot and Driveway at VL-1 JB Wise Place, Parcels 7-01-135.000, 7-01-112.003, 7-01-114.001 and 7-01-115.000
- Resolution No. 5 - Authorizing Grant Application to the NYS Energy Research and Development Authority (NYSERDA), Wastewater Treatment Plant Sludge Disposal Modifications Project
- Resolution No. 6 - Approving Proposal for Comprehensive Analysis of Fire / EMS Services
- Resolution No. 7 - Finding That Changing the Approved Zoning Classification of 111 Chestnut Street from Residence A to Neighborhood Business Will Not Have a Significant Impact on the Environment
- Resolution No. 8 - Re-Adoption of Fiscal Years 2013-14 through 2016-2017 Capital Budget
- Resolution No. 9 - Accepting Bid for Water Department Dam Rehabilitation Phase II, Acts II Construction Inc.
- Resolution No. 10 - Approving Change Order No. 5 to Waste Water Disinfection Improvement Project, General Construction, C.O. Falter Construction Inc.
- Ordinance No. 1 - An Ordinance Authorizing the Issuance of \$450,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Costs of the Phase II Rehabilitation of the Dosing Station Downstream Dam, in and for Said City
- Ordinance No. 2 - An Ordinance Amending the Ordinance Dated February 21, 2012, as Amended January 22, 2013, May 20, 2013 and July 1, 2013, Authorizing the Issuance of \$5,610,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay Part of the \$5,900,000 Estimated Maximum Cost of the Design of a Disinfection System at the City's Wastewater Treatment Plant, to Increase the Estimated Maximum Cost to \$6,000,000 and to

Increase the Amount of Bonds Authorized to \$5,710,000

- Public Hearing - Ordinance Changing the Approved Zoning Classification of 111 Chestnut Street, Parcel 14-13-227, From Residence A to Neighborhood Business District
- Surplus Sale Results Spring 2014
- Sales Tax Revenue -April 2014
- Board and Commission Appointments

Complete Reports on file in the office of the City Clerk

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of May 19, 2014 was dispensed and accepted as written by motion of Council Member Roxanne M. Burns, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

PRESENTATIONS

Mayor Graham interrupted the regular course of business to recognize members of the Fire Department and Police Department.

Chief Dale Herman described the incidents which lead to the following Firemen receiving recognition:

Merit Bar – Battalion Chief Timothy Wiley

Unit Citation Award –

Engine 1 – Captain Matthew Fiorentino, Firefighter Steven Russel, Firefighter Pete Rose

Engine 2 – Captain Robert Kolb, Firefighter Jeffrey Narrow, Firefighter David Compo

Engine 3 – A/C Kevin Simpson, Firefighter Scott VanCamp, Firefighter Dustin Frost

Truck 1 – A/C David Johnston, Firefighter Eric Hoselton, Firefighter Michael Lindsey

Rescue – Captain Andrew Denney, Firefighter Greg French

Honorable Service Citation – Firefighter Jason Pisarski

Distinguished Citation Bar – Firefighter Jason Ormsby

CPR Save Medal – Captain William Bragger, Firefighter Christopher St. Joseph, Firefighter Roland Edmonds, Firefighter David Compo

Unit Citation – Captain Richard Little, Firefighter Michael Lindsey, Firefighter Christopher St. Joseph, Firefighter John Zingaro

CPR Save Medal – Firefighter Christopher St. Joseph, Firefighter John Zingaro

Captain Cheryl Clarke described the incidents which lead to the following Police Officers receiving recognition:

Life Saving Award – Joseph Giaquinto, Amanda Gauthier

Meritorious Service Award – Wayne McConnell, Dennis O'Brien, Adam Beshures

Honorable Service Award – Sergeant Jason Badalato,

Platoon/Unit Citation – Joshua Davis, Elizabeth Lewis, David Horr, Scott Freeman, Adam Beshures, Matthew Roll, Chad Frederick

Certificate of Recognition for 20 years of service – Sergeant Joseph C. Reff, Sergeant John V. Oliveau

Council took a recess at 7:23 p.m. and reconvened at 7:27 p.m.

COMMUNICATIONS

A letter was received from Bruce R. and Lorraine A. Irwin, 285 Chestnut Street in opposition to the proposed zone change for 111 Chestnut Street which could allow the proposed McDonald's project to proceed.

A letter was received from Mary Espinoza, Roman Espinoza, Patricia Abbott and Rehba Clarke, Chestnut Street Residents in opposition of the rezoning of 111 Chestnut Street and the placement of a McDonald's fast food business in that area.

A notarized statement in protest of the proposed zone change for 111 Chestnut Street was received from each of the following individuals:

Christine Dear on behalf of Stone Presbyterian Church, 140 Chestnut Street
Michael J. Corbett, 119 Chestnut Street
Amy Corbett, 119 Chestnut Street
Mary F. Espinoza, 123 Chestnut Street
Roman Espinoza, 123 Chestnut Street

A petition containing approximately 106 signatures from neighborhood residents opposed to any expansion for a McDonald's fast food place in the 1200 block of Washington Street and the re-zoning of 111 Chestnut Street.

Above communication was placed on file in the office of the City Clerk.

PRIVILEGE OF THE FLOOR

Mark Jones, President of the Watertown Professional Firefighters Association, IAFF Local 191 read from a prepared statement (on file in the City Clerk's Office) to express concern over the use of ICMA for conducting a study of the Watertown City Fire Department. He stated that the ICMA and their contracted agencies are organizations of city and county management members that act as a lobbying group whose sole purpose is to represent the interests of management. He added that Local 191 views the proposed appointment of ICMA to be suspect and blatantly biased. He stressed that Local 191 is in full support of a Fire Department study but only one that is equitable and fair to all parties.

PUBLIC HEARING

At 7:30 p.m. Mayor Graham asked the City Clerk to read the notice of Public Hearing Concerning changing the Approved Zoning Classification of 111 Chestnut Street, Parcel 14-13-227, from Residence A to Neighborhood Business District.

Mayor Graham declared the hearing open at 7:30 p.m.

Bruce R. Irwin, 285 Chestnut Street, addressed the chair explaining his letter sent to Council with further details. He explained his background with the Department of Transportation (DOT) and

addressed his concerns with vehicle traffic, safety and engineering issues. He further explained annual average daily traffic (AADT) volumes on Washington Street from a 2011 study estimating what the current volume would be and how a McDonald's would affect this. He said that he studied the traffic surrounding the State Street McDonald's and related this information to traffic flow of Washington Street, Chestnut Street and Thompson Boulevard. In addition, he discussed NYSDOT standards regarding offsets for entrances and how the proposed driveway for the McDonald's barely exceeds the requirements.

Don Moody, 133 Bishop Street addressed the chair expressing his opposition to the zone change of 111 Chestnut Street noting that currently it is almost impossible to turn from Bishop Street onto Washington Street during 7:00 a.m. – 8:30 a.m. He remarked that people travelling northbound on Washington Street will begin to use alternate routes in order to avoid the congestion at the intersection with Thompson Boulevard and expressed concerns with increased traffic on Sherman Street, especially around the school. In addition, he mentioned that the odor from McDonald's will affect the residents on the east side of Washington Street from Green Street to Bishop Street. He also expressed concerns with emergency vehicles travelling through increased traffic.

Mike Corbett, 119 Chestnut Street expressed concerns with the traffic congestion and safety of the children walking to the surrounding schools. He mentioned that a McDonald's on this corner would cause vehicle traffic lights to shine in his house windows at all hours of the night. Also, he discussed the increased noise that the business would create from the speaker, delivery vehicles, trash vehicles and snow removal vehicles. He stressed that this would change the character of the neighborhood and create an unattractive place to live. He said that a restaurant of this size operating for many hours a day is an extreme usage of any property within that area.

Kim La Forty, 1115 Washington Street read from a prepared statement (on file in the City Clerk's Office) stating that she appreciates change and growth but not at the expense of losing part of the City that is still a nice quiet neighborhood. She asked if the City has done a study to see what the impact of the increased traffic will cause to the neighborhood and wondered how it would affect the school buses travelling in the immediate area. She stressed that traffic already gets backed up during school drop off and dismissal times and discussed safety concerns for the children. She further discussed the noise pollution, smell pollution and visual pollution that would be caused by McDonald's.

Marti Montovani, Interim Pastor at Stone Presbyterian Church at 140 Chestnut Street asked for clarification on Resolution 7 which indicates that the proposed zone change will not have a significant impact on the environment.

Attorney Slye explained the procedure.

Ms. Montovani discussed possible environmental impacts from the noise, smell and sight which were addressed in the Church's letter sent to the Planning Board.

Yvonne Gebo, 254 North Hamilton Street mentioned that she is a member of the Watertown School Board and discussed the health issues of having a McDonald's so close to the school. Mentioning the new Federal Government regulations on school lunches, she said that it has been very difficult to develop a meal plan that the students would eat and to educate students on healthy eating habits. She stated that having a McDonald's across from the school would be very tempting for students to eat there

instead of their healthy school lunch and she would hate to see what they have accomplished move backwards.

Bart Bonner addressed Council with concerns that the proposed McDonald's would encourage residents to move outside the City and these neighborhoods generate a vast majority of the City's property taxes.

Mary Espinoza, 123 Chestnut Street said that she grew up on Chestnut Street and remembers dealing with fumes from gas leaks from the gas stations on Washington Street. She commends the individuals who are attempting to improve the property at the corner but said this is not the proper type of business for that location. She mentioned that she heard that if the zone change was denied, that McDonald's would submit a plan that piggybacks onto the Sunoco station. She hopes that members of Council would stand up for the wishes of the residents in this area. She said that overall this is a quiet place to live but if this is approved that she would have no choice but to sell her home.

Kenneth Mix, Planning Coordinator confirmed that no other plans have been submitted.

Rehba Clark, 143 Chestnut Street questioned the definition of Neighborhood Business and wondered if it needed to be looked at. She said that a Neighborhood Business is something that should not be injurious to the neighborhood, alter the neighborhood, inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood. She stressed that this would not be neighborhood friendly and it is actually commercial.

John Hall, 1381 Washington Street spoke of the vacant lot that was on the corner of Washington Street and Brook Drive which has now become a doctor's office. He said that this usage fits well into the neighborhood because it is a daytime operation. He stated that McDonald's would be a major change to the neighborhood and would not blend well.

Andy Williams, 1113 Washington Street focused on the noise issues that would occur if a McDonald's was to be put at this location. He noted that if it is approved that he would not be in his house any longer.

Mayor Graham declared the hearing closed at 8:19 p.m.

RESOLUTIONS

Resolution No. 1 – Appointment to the Roswell P. Flower Memorial Library Board of Trustees, Sarah Weir

Introduced by Council Member Roxanne M. Burns

BE IT RESOLVED by the City Council of the City of Watertown, New York, that Sarah Weir, 736 Ball Avenue, Watertown, New York, is hereby appointed to the Roswell P. Flower Memorial Library Board of Trustees, to fill the unexpired term of Rodney C. Abare, which term expires December 31, 2015.

Seconded by Council Member Teresa R. Macaluso

Prior to the vote on the foregoing resolution, Mayor Graham introduced Ms. Wier to Council and thanked her for her interest in serving on this board.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.

Resolution No. 2 – Approving the 2014 Youth Employment Training Program Contract Between the City of Watertown and the Jefferson-Lewis Workforce Investment Area

Introduced by Council Member Teresa R. Macaluso

WHEREAS the Jefferson County Department of Employment and Training and the Jefferson-Lewis Workforce Investment Area has allocated to the City of Watertown five funded training positions under the Summer Youth Employment Training Program, and

WHEREAS various departments of the City of Watertown can provide training opportunities for young people of the community, and

WHEREAS the City and Jefferson County Department of Employment and Training have cooperated in past years with this same program,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby authorizes the City's participation in the 2014 Summer Youth Employment Training Program, and

BE IT FURTHER RESOLVED that the City Manager, Sharon Addison, is hereby authorized and directed to execute the Youth Employment Training Program Contract on behalf of the City of Watertown.

Seconded by Council Member Joseph M. Butler Jr. and carried with all voting yea.

Resolution No. 3 – Approving Memorandum of Understanding Establishing the Watertown-Jefferson County Area Transportation Council

Introduced by Council Member Stephen A. Jennings

WHEREAS the United States Bureau of Census has designated Watertown and its environs as an "urbanized area" with a population over 50,000, and

WHEREAS Federal Law, in order to ensure that cooperative planning and coordination shall be a normal and continuing process for all transportation projects, has directed, under the provisions of the Federal Highway Law, US Code Title 23, Section 134, that transportation projects in urbanized areas of more than 50,000 in population shall be based upon a continuing, comprehensive transportation planning process carried on cooperatively by the state and involved local communities therein, and

WHEREAS further to the designation of Watertown and its environs as an "urbanized area" by the United States Bureau of the Census, the New York State Department of Transportation has delineated a boundary surrounding the aforementioned "urbanized area" that is henceforth referred to as the "Watertown FHWA Urban Area Boundary," the location of which, upon final approval by the Federal Highway Administration (FHWA), may be obtained either through the Federal Highway

Administration New York Division Office or the New York State Department of Transportation Region 7 Planning & Program Management Office, and

WHEREAS the “Watertown FHWA Urban Area Boundary” encompasses the area of Watertown and its environs that are designated by the United States Bureau of the Census as being an urbanized area as well as the contiguous areas that are anticipated to become urbanized within 20 years of the signing of this document, the “Watertown FHWA Urban Area Boundary” forms the boundary of the ‘Watertown-Jefferson County Area Transportation Council,” and

WHEREAS the Watertown-Jefferson County Area Transportation Council, in accordance with Federal and State law is hereby designated in accordance with New York State Transportation Law §15-a, by the Commissioner on behalf of the Governor, as the Metropolitan Planning Organization (MPO) within the “Watertown FHWA Urban Area Boundary”, and which will be responsible for the performance of the Federal transportation planning process and, in cooperation with the State, for the development of transportation plans and programs vital to the economic, social and civic well-being of the metropolitan area of Watertown and Jefferson County, and

WHEREAS local, city, county and state agencies participate in the Watertown-Jefferson County Area Transportation Council to integrate all federal transportation-related planning activities and effect transportation policy and programming consistent with local area objectives and federal and state directives, and

WHEREAS City Council approved draft language on March 26, 2013 to which New York State subsequently requested changes, and

WHEREAS those changes have been incorporated and all parties are now in agreement,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves said Memorandum of Understanding, attached hereto and made part of this resolution and hereby replaces the previously approved MOU with the current version, between the County of Jefferson; the City of Watertown; the New York State Department of Transportation (NYSDOT); and local government, whose representatives comprise the Council, in order to continue the cooperative metropolitan transportation planning and programming processes within the “Watertown FHWA Urban Area Boundary” that is required for Federal and State funding, and

BE IT FURTHER RESOLVED that Mayor Jeffrey E. Graham is hereby authorized and directed to sign said Memorandum of Understanding on behalf of the City of Watertown.

Seconded by Council Member Joseph M. Butler Jr.

Prior to the vote on the foregoing resolution, Council Member Macaluso asked if the City is able to opt out of this at some point.

Ms. Addison indicated that the City is committed at this point.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.

Resolution No. 4 – Approving a Site Plan for the Construction of a Parking Lot and Driveway at VL-1 JB Wise Place, Parcels 7-01-135.000, 7-01-112.003, 7-01-114.001, And 7-01-115.000

Introduced by Council Member Stephen A. Jennings

WHEREAS Ryan Churchill of GYMO, PC, on behalf of Neighbors of Watertown, has submitted an application for site plan approval for the construction of a parking lot and driveway at VL-1 JB Wise Place, parcels 7-01-135.000, 7-01-112.003, 7-01-114.001, and 7-01-115.000, and

WHEREAS the Jefferson County Planning Board reviewed the request at its May 27, 2014 meeting, and determined that the project has no County-wide or inter-municipal issues and is of local concern only, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on May 6, 2014, and voted to recommend that the City Council of the City of Watertown approve the site plan with the following conditions:

- 1) The applicant shall provide a paved T-intersection where the driveway loop connects to Safford Lane. “Yield” signs must be installed in addition to the proposed “Do Not Enter” signs.
- 2) The applicant shall revise the curb cut radii at the entrance from JB Wise to match the existing curb and sidewalk.
- 3) The applicant shall confirm or revise the spot elevations near the northeast corner of the parking lot.
- 4) The applicant shall add a chamfered corner to the southernmost parking space in the upper tier to prevent unnecessary loss of green space.
- 5) The applicant shall acquire permission from the owner of the adjacent parking lot (PN 7-01-112.002) for work on their property, and for creating a circulation pattern across their property. Alternatively, the applicant may alter the circulation pattern so that the two lots are separated.
- 6) The applicant shall demonstrate that current lighting levels are sufficient. If new fixtures are needed, a photometric plan must be submitted which accounts for existing and proposed light sources. Any new light poles shall match those used on Public Square, or as otherwise approved by the City Engineer.
- 7) The applicant shall provide a stamped boundary and topographic survey.
- 8) The site plan shall depict actual property lines as determined by the surveyor.
- 9) The applicant shall separate the site plan into two sheets—one for grading and drainage, and one for site and landscaping features.
- 10) The applicant shall provide an Engineering Report.

And,

WHEREAS the City Council has reviewed the Full Environmental Assessment Form, responding to each of the questions contained in Part 2, and has determined that the project, as submitted, is a Type I Action and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction and site plan constitute an Type I Action for the purposes of

SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED that it is an express condition of this site plan approval that the applicant provide the City Engineer with a copy of any change in stamped plans forming the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Code Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan which, in the opinion of the City Engineer, would require Amended Site Plan approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is approved. The City Code Enforcement Officer is requested to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that site plan approval is hereby granted for the construction of a parking lot and driveway at VL-1 JB Wise Place, parcels 7-01-135.000, 7-01-112.003, 7-01-114.001, and 7-01-115.000, as depicted on the plans submitted to the City Engineer on April 22, 2014, subject to the conditions recommended by the Planning Board listed above.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.

Resolution No. 5 – Authorizing Grant Application to the NYS Energy Research and Development Authority (NYSERDA), Wastewater Treatment Plant Sludge Disposal Modifications Project

Introduced by Council Member Teresa R. Macaluso

WHEREAS the City of Watertown applied to the 2012 Regional Economic Development Council for grant assistance through the New York State Energy Research and Development Authority (NYSERDA) for the implementation of the Sludge Disposal Process Modification Project at the Waste Water Treatment Plant (Project), and

WHEREAS on December 20, 2012, the City of Watertown received notice that grant assistance in the amount of \$585,646 had been awarded for the implementation of said Project, and

WHEREAS, the City of Watertown released a Request for Qualifications to select an Engineering Firm to perform a number of tasks associated with the implementation of said Project, selecting GHD Consulting Services, Inc. and

WHEREAS at their Regular Meeting on April 1, 2013, the City Council of the City of Watertown approved a Consulting Services Agreement between GHD Consulting Services, Inc. and the City of Watertown, and

WHEREAS said Consulting Service Agreement included provisions for Preliminary Design and Final Design Phase engineering services, including conceptual layout, product marketing, preparation of a Preliminary Design Report, final design, and preparation of Contract Documents, in the amount of \$638,280, and

WHEREAS NYSERDA is accepting applications for grant funding under its Cleaner, Greener Communities Program Phase II Implementation Grant,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown that it hereby approves proceeding with application for grant funding to NYS Energy Research and Development Authority (NYSERDA) via the CY 2014 Consolidated Funding Application (CFA) Process for its Cleaner, Greener Communities Program, Phase II Implementation Grants for its Wastewater Treatment Plant Sludge Disposal Modification project,

BE IT FURTHER RESOLVED that Water Superintendent Michael J. Sligar is hereby authorized and directed to file said grant application on behalf of the City of Watertown.

Seconded by Council Member Stephen A. Jennings and carried with all voting yea.

Resolution No. 6 – Approving Proposal for Comprehensive Analysis of Fire/EMS Services

Introduced by Council Member Roxanne M. Burns.

WHEREAS the City of Watertown desires to launch a study of the Watertown Fire Department to analyze the Fire and EMS services, and

WHEREAS the International City/County Management Association (ICMA) Center for Public Safety Management has submitted the attached Proposal for Comprehensive Analysis of Fire / EMS Services,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Proposal for Comprehensive Analysis of Fire / EMS Services submitted by the ICMA Center for Public Safety Management, attached and made part of this resolution, for the purposes of proceeding with a comprehensive study, and

BE IT FURTHER RESOLVED that the City Manager Sharon Addison is hereby authorized and directed to sign all documents associated with proceeding with this study.

Seconded by Council Member Stephen A. Jennings and carried with all voting yea.

Resolution No. 7 – Finding that Changing the Approved Zoning Classification of 111 Chestnut Street from Residence A to Neighborhood Business Will Not Have a Significant Impact on the Environment

Introduced by Council Member Teresa R. Macaluso

WHEREAS the City Council of the City of Watertown, New York, has before it a proposed Ordinance changing the approved zoning classification of 111 Chestnut Street, parcel 14-13-227, from Residence A to Neighborhood Business, and

WHEREAS the City Council must evaluate all proposed actions submitted for its consideration in light of the State Environmental Review Act (SEQRA), and the regulations promulgated pursuant thereto, and

WHEREAS the approval of the zone change would constitute such an “Action,” and

WHEREAS the City Council has determined that changing the zoning classification of this property is an Unlisted Action as that term is defined by 6NYCRR Section 617.2, and

WHEREAS to aid the City Council in its determination as to whether the proposed zone change will have a significant impact on the environment, Part I of a Short Environmental Assessment Form has been prepared, a copy of which is attached and made part of this Resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that:

1. Based upon its examination of the Short Environmental Assessment Form and comparing the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact is known and the adoption of the zone change will not have a significant impact on the environment.
2. The Mayor of the City of Watertown is authorized to execute the Environmental Assessment Form to the effect that the City Council is issuing a Negative Declaration under SEQRA.
3. This Resolution shall take effect immediately.

Seconded by Council Member Stephen A. Jennings

Prior to the vote on the foregoing resolution, Council discussed the SEQRA form in detail deciding that there might be an impact on some of the items.

Attorney Slye reminded Council that the only issue that is before Council now is whether this one parcel should have a zone change from Residence A to Neighborhood Business. He commented that it sounded like Council was considering whether the construction of a McDonald's would have an impact and this should be considered by the site plan evaluation. He stated that if Council decides that there are one or more moderate to large impacts, then an Environmental Impact Statement needs to be ordered and Council cannot consider the zone change ordinance until this is completed.

Council Member Burns said she still thinks that some of these would be impacted.

Council Member Macaluso indicated that by just considering the zone change, and not McDonald's, the impact would be small.

Council Member Burns asked who would perform the study if a full Environmental Impact Study was needed.

Attorney Slye explained that it would be whoever is proposing the zone change and that it would not be an expense to the City.

Council Member Jennings commented that after hearing Attorney Slye's explanation that the decision should only be based on zoning, he is comfortable stating that there is only a small impact.

Council Member Macaluso said that she does not want a business facing Chestnut Street.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.

Resolution No. 8 – Re-Adoption of Fiscal Years 2013-14 through 2016-17 Capital Budget

Introduced by Council Member Joseph M. Butler Jr.

WHEREAS on May 20, 2013 the City Council adopted the Fiscal Years 2013-14 through 2017-18 Capital Budget, and

WHEREAS City Council desires to accept the base bid submitted by Acts II Construction, Inc. for the Dosing Station Dam Phase II Rehabilitation project in the amount of \$428,000 and

NOW THEREFORE BE IT RESOLVED that the Fiscal Years 2013-14 through 2017-18 Capital Budget is amended to include the Dosing Station Dam Phase II Rehabilitation project at an estimated cost of \$450,000 in FY 2013-14.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.

Resolution No. 9 – Accepting Bid for Water Department Dam Rehabilitation Phase II, Acts II Construction, Inc.

Introduced by Council Member Roxanne M. Burns

WHEREAS the City Purchasing Department has advertised and received sealed bids for the Water Department Dam Rehabilitation Phase II, per our specifications, and

WHEREAS invitations to bid were issued to Northern New York and Syracuse Builders Exchange, the Dodge Reports and the Empire State Purchasing Group, with seven (7) sets of bid specifications and plans requested by area builders with six (6) sealed bids received and publicly opened and read in the City Purchasing Department on Thursday, May 15, 2014, at 11:00 a.m., and

WHEREAS City Purchasing Manager Amy M. Pastuf reviewed the bids received with Engineering Department, and it is their recommendation that the City Council accept the bid submitted by Acts II Construction Inc.,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York accepts the bid submitted by Acts II Construction Inc. as the lowest qualifying bidder for the Water Department Dam Rehabilitation Phase II, including Alternate #B for removal and replacement of the dredge anchor cable for a total bid of \$428,000, per our specifications, and

BE IT FURTHER RESOLVED that approval of this resolution is contingent upon approval the resolution to re-adopt the FY 2013-14 Capital Budget and approval of the Bond Ordinance to finance the project, and

BE IT FURTHER RESOLVED that the City Manager, Sharon Addison, be authorized and directed to sign all contracts associated with implementing the award to Act II Construction Inc.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.

Resolution No. 10 – Approving Change Order No. 5 to Waste Water Disinfection Improvement Project, General Construction, C.O. Falter Construction Inc.

Introduced by Council Member Joseph M. Butler Jr.

WHEREAS on June 3, 2013, the City Council of the City of Watertown approved a bid submitted by C.O. Falter Construction Inc. in the amount of \$3,923,101.00 for the Waste Water Disinfection Improvement Project general construction, and

WHEREAS City Council approved Change Order No. 1 on January 21, 2014 in the amount of \$11,781.55, and

WHEREAS City Council approved Change Order No. 2 in the additional amount of \$6,491.50 and Change Order No. 3 in the additional amount of \$9,075.69 on February 18, 2014, and

WHEREAS City Council approved Change Order No. 4 in the amount of \$1,961.80 on April 7, 2014, and

WHEREAS C. O. Falter Construction Inc. has now submitted Change Order No. 5 in amount of \$72,872.68 to include the cost performing repair work to an overhead pipe damaged in September 2012, bringing the total contract amount to \$4,025,284.22,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 5 to the contract with C.O. Falter Construction Inc. bringing the total to \$4,025,284.22 for the Waste Water Disinfection Improvement Project general construction, and

BE IT FURTHER RESOLVED that approval of this resolution is contingent upon approval of the Bond Ordinance Amendment to finance the project, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute the Change Order documents on behalf of the City of Watertown.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.

ORDINANCES

Ordinance No. 1 – An Ordinance Authorizing the Issuance of \$450,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Costs of the Phase II Rehabilitation of the Dosing Station Downstream Dam, in and for Said City

Introduced by Council Member Teresa R. Macaluso

WHEREAS, all conditions precedent to the financing of the specific object or purpose hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the issuance of bonds of said City to finance costs of said specific object or purpose;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Watertown, Jefferson

County, New York, as follows:

Section 1. For the specific object or purpose of paying costs of the Phase II rehabilitation of the Dosing Street Station Downstream Dam, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$450,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$450,000 and that the plan for the financing thereof is by the issuance of the \$450,000 bonds of said City authorized to be issued pursuant to this bond ordinance. The amount of bonds to be issued will be reduced by the amount of any appropriations of current funds to pay part of the cost of the aforesaid specific object or purpose, which are presently expected in the amount of \$250,000.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years, pursuant to subdivision three of paragraph a of Section 11.00 of the Local Finance Law, measured from the date of the first obligation issued hereunder.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Watertown, Jefferson County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and

all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This ordinance, which takes effect immediately, shall be published in full in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Seconded by Council Member Joseph M. Butler, Jr.

Motion for unanimous consent moved by Council Member Teresa R. Macaluso, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

Ordinance No. 2 – An Ordinance Amending the Ordinance Dated February 21, 2012, as Amended January 22, 2013; May 20, 2013; and July 1, 2013, Authorizing the Issuance of \$5,610,000 Bonds of the City of Watertown, Jefferson County, New York to Pay Part of the \$5,900,000 Estimated Maximum Cost of the Design of a Disinfection System at the City’s Wastewater Treatment Plant, to Increase the Estimated Maximum Cost to \$6,000,000 and to Increase the Amount of Bonds Authorized to \$5,710,000

Introduced by Council Member Teresa R. Macaluso

WHEREAS, by ordinance dated February 21, 2012, the Council of the City of Watertown,

Jefferson County, New York, authorized the issuance of \$460,000 bonds of said City to pay part of the \$710,000 estimated maximum cost of the design of a disinfection system for the City's wastewater treatment plant, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, a specific object or purpose, in and for the City of Watertown, Jefferson County, New York; and

WHEREAS, by ordinance dated January 22, 2013, said Council amended the February 21, 2012 ordinance, to authorize the issuance of \$460,000 bonds of said City to pay part of the \$775,000 estimated maximum cost of the design of a disinfection system for the City's wastewater treatment plant, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, a specific object or purpose, in and for the City of Watertown, Jefferson County, New York; and

WHEREAS, by ordinance dated May 20, 2013, said Council amended the February 21, 2012 ordinance, to authorize the issuance of \$485,000 bonds of said City to pay part of the \$775,000 estimated maximum cost of the design and disinfection system for the City's wastewater treatment plant, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, a specific object or purpose, in and for the City of Watertown, Jefferson County, New York; and

WHEREAS, by ordinance dated July 1, 2013, said Council amended the February 21, 2012 ordinance, to authorize the issuance of \$5,610,000 bonds of said City to pay part of the \$5,900,000 estimated maximum cost of the design and disinfection system for the City's wastewater treatment plant, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, a specific object or purpose, in and for the City of Watertown, Jefferson County, New York, and determined that the period of probable usefulness thereof would be increased to thirty years ; and

WHEREAS, the Council now wishes to increase the estimated maximum cost from \$5,900,000 to \$6,000,000, an increase of \$100,000 over that previously authorized and to increase the amount of bonds authorized from \$5,610,000 to \$5,710,000;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section A. The title and Sections 1 and 2 of the ordinance of this Council dated and duly adopted February 21, 2012, as amended on January 22, 2013, May 20, 2013 and July 1, 2013 authorizing the issuance of \$5,610,000 bonds to pay part of the \$5,900,000 estimated maximum cost of the design of a disinfection system for the City's wastewater treatment plant, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, a specific object or purpose, in and for the City of Watertown, Jefferson County, New York, are hereby amended, in part, to read as follows:

“AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$5,710,000 BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, TO PAY PART OF THE \$6,000,000 ESTIMATED MAXIMUM COST OF A NEW DISINFECTION SYSTEM AT THE CITY'S WASTEWATER TREATMENT PLANT.

“

“Section 1. To pay part of the cost of a new disinfection system for the City’s wastewater treatment plant, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$5,710,000 bonds of said City pursuant to the provisions of the Local Finance Law.

“Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$6,000,000 and that the plan for the financing thereof is by the issuance of the \$5,710,000 bonds of said City authorized to be issued pursuant to this bond ordinance, together with the use of \$290,000 current funds of the City.”

Section B. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section C. Upon this ordinance taking effect, the same shall be published in summary in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section D. This resolution is effective immediately.

Seconded by Council Member Joseph M. Butler, Jr.

Motion for unanimous consent moved by Council Member Teresa R. Macaluso, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof

OLD BUSINESS

The Ordinance “Changing the Approved Zoning Classification of 111 Chestnut Street, Parcel 14-13-227, From Residence A to Neighborhood Business District”. *(Introduced on 5/19/2014; public hearing held this evening; appears in its entirety in the 2014 Minutes Book on page 4 of the 5/19/2014 minutes).*

At the call of the chair, a vote was taken on the foregoing ordinance and defeated with all voting nay.

Council took a recess at 8:43 p.m. and reconvened at 8:45 p.m.

STAFF REPORTS

The following reports were available for Council’s review:
Surplus Sale Results Spring 2014

Sales Tax Revenue -April 2014
Board and Commission Appointments

NEW BUSINESS

Tour of Maple Court Apartments

Mayor Graham mentioned that a tour will be given of this facility tomorrow.

Iron Fence that surrounded the Public Square Fountain

Council Member Butler mentioned that he spoke with Dr. Jason White and there used to be an iron fence that surrounded the fountain on Public Square. He said that he is supportive of seeing if the fence still exists and trying to restore it. He mentioned that this would help to keep people out of the fountain.

Condition of State Street

Council Member Macaluso said that she received a complaint that State Street is starting to appear shabby and asked staff to investigate this.

Fire Department Study

Mayor Graham acknowledged Mr. Jones' comments presented during the Privilege of the Floor stating that he was well spoken. He said that the study and upcoming collective bargaining is covered under the traditional role of management in determining staffing and assignment of personnel.

Holding of the Pre-arraigned City Prisoners

Ms. Addison provided Council with an update indicating that two changes have been proposed to the PSB agreement between the County and the City.

Attorney Slye further explained the proposed changes in detail and stressed that there will be more information to follow in the near future.

Motion was made by Council Member Teresa R. Macaluso to move into Executive Session to discuss the employment history of a particular individual.

Motion was seconded by Council Member Stephen A. Jennings and carried with all voting in favor thereof.

Council moved into Executive Session at 9:01 p.m.

Council reconvened at 9:22 p.m.

ADJOURNMENT

At the call of the chair, meeting was duly adjourned at 9:22 p.m. until Monday, June 9, 2014 at 7:00 p.m. by motion of Council Member Teresa R. Macaluso, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

Ann M. Saunders, City Clerk